

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:24-CV-23-D

NICHOLAS DOMINIC BLAKE,)
)
Plaintiff,)
)
v.)
)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
Defendant.)

ORDER

On May 9, 2024, Nicholas Dominic Blake (“Blake” or “plaintiff”) filed a complaint [D.E. 1] and motion to proceed in forma pauperis [D.E. 2]. On May 13, 2024, the court granted Blake’s motion to proceed in forma pauperis [D.E. 5]. On September 26, 2024, Blake sought judgment on the pleadings concerning an Administrative Law Judge’s (“ALJ”) decision to deny his application for social security income, and moved to vacate the ALJ’s decision and remand for further agency proceedings [D.E. 11]. On October 28, 2024, the Acting Commissioner of Social Security responded in opposition [D.E. 12]. On November 11, 2024, Blake replied [D.E. 13]. On November 14, 2024, pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to United States Magistrate Judge Numbers for a memorandum and recommendation on Blake’s social security appeal [D.E. 14].

On April 22, 2025, Magistrate Judge Numbers issued a memorandum and recommendation (“M&R”) [D.E. 15]. In the M&R, Magistrate Judge Numbers recommended that the court grant Blake’s motion for judgment on the pleadings, vacate the ALJ’s decision, and remand to the Acting Commissioner of Social Security for further consideration. See id. at 1–17.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Neither party objected to the M&R. Therefore, the court reviews for clear error. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See Diamond, 416 F.3d at 315.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 15], and GRANTS Blake’s motion for judgment on the pleadings, VACATES the ALJ’s decision, and REMANDS to the Acting Commissioner of Social Security for further consideration.

SO ORDERED. This 14 day of May, 2025.

J. Dever
JAMES C. DEVER III
United States District Judge